UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
SAADAT, CAMERON

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/687,100	BURNS ET AL.
	Examiner	Art Unit	
	Cameron Saadat	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 December 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

In response to amendment filed 12/21/2006, claims 1-19 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966),

that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are

summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-2, 6-8, 10-12, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Mann, II et al. (USPN 5,577,186; hereinafter Mann) in view of Massachusetts Department of

Education.

Regarding claims 1 and 17, Mann discloses a method and system for simulating application

software, comprising: providing a user interface introducing a problem to be solved and tools to be used

to solve the problem, wherein the problem is tied to a core curriculum subject matter of graphical design

See Figure 3,ref. 53 lesson contents: discovering Paintbrush's menus, drawing, changing colors, Adding

typed-in text; presenting a generic application user interface having elements common to several different

software packages of a particular type of software application to a user across a network (Col. 4, lines 48-

51); wherein the user interface for one type of software application is different from a user interface for a

different type of application; receiving user inputs during an interaction with the user interface; and

evaluating performance of the user for the type of software application based upon the user inputs (Col. 3, line 57 – Col. 4, line 10). Mann discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of providing educational content tied to *state educational standards* and using *educational technology standards* to evaluate performance. However, Massachusetts Department of Education teaches an educational system having curriculum that is tied to instructional technology standards having predetermined performance requirements for various grade levels. Thus, in view of Massachusetts Department of Education, it would have been obvious to one of ordinary skill in the art to modify the educational system described in Mann, by providing educational content tied to state educational standards and using educational technology standards to evaluate performance, in order to provide guidelines that ensure a student's ability to apply a wide range of technology tools to his/her learning of curriculum concepts. *See Massachusetts Department of Education, P1.*

Regarding claim 2, Mann discloses a method wherein the user is provided with of his or her performance (Col. 4, lines 4-10).

Regarding claim 6, Mann discloses a method, comprising collecting all of the user inputs and evaluations of the user inputs and generating an evaluation report of the performance of the user for the particular type of software application (Col. 4, lines 4-10).

Regarding claim 7, Mann discloses a method, further comprising presenting a generic user interface for a presentation application (Col. 7, lines 50-65).

Regarding claims 8 and 19, Mann discloses a method of providing a user interface, comprising: providing an introduction to a problem for a user, wherein the problem is tied to at least one core curriculum subject matter of graphical design *See Figure 3, ref. 53 lesson contents: discovering Paintbrush's menus, drawing, changing colors, Adding typed-in text*; identifying tools to solve the problem, wherein the tools include at least one software application of a particular type; presenting a

generic application user interface having elements common to several different software packages of a particular type of software application to a user across a network (Col. 4, lines 48-51); wherein the user interface for one type of software application is different from a user interface for a different type of application; instructing the user on concepts and tools to be used in a solution; interacting with the user using the tools; displaying the solution; and providing the user with a summary of the problem and solution (Col. 3, lines 9-26). Mann discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of providing educational content tied to *state educational standards* and using *educational technology standards* to evaluate performance. However, Massachusetts Department of Education teaches an educational system having curriculum that is tied to instructional technology standards having predetermined performance requirements for various grade levels. Thus, in view of Massachusetts Department of Education, it would have been obvious to one of ordinary skill in the art to modify the educational system described in Mann, by providing educational content tied to state educational standards and using educational technology standards to evaluate performance, in order to provide guidelines that ensure a student's ability to apply a wide range of technology tools to his/her learning of curriculum concepts. *See Massachusetts Department of Education, P1.*

Regarding claim 10, Mann discloses a method, wherein interacting with the user further comprises receiving and evaluating a user input (Col. 8, lines 47-59).

Regarding claim 11 and 18, Mann discloses a method, wherein interacting with the user further comprises providing feedback on performance (Col. 4, lines 1-3).

Regarding claim 12, Mann discloses a method, wherein providing feedback further comprises indicating that the user made a correct input (Col. 8, lines 50-55).

Claims 3-5, 9, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mann, II et al. (USPN 5,577,186; hereinafter Mann) in view of in view of Massachusetts Department of Education, further in view of Cook et al. (USPN 5,727,950; hereinafter Cook).

Regarding claims 3-5 and 13, the combination of Mann and Massachusetts Department of Education discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of presenting a user with an opportunity to try again (as per claims 3, 4, and 13); providing a hint to a user (as per claim 4); and demonstrating the correct input (as per claim 5). However, Cook teaches a tutorial system wherein a user provides an input and the user is informed that the input is incorrect, and presenting the user with an opportunity to try again (See Fig. 5, refs. 405-407); demonstrating the correct input and providing a hint (See Fig. 4). Thus, in view of Cook, it would have been obvious to one of ordinary skill in the art to modify the feedback described in Mann, by providing hints, demonstrating correct input, and providing a user the opportunity to try again, in order to provide a virtual tutor that guides a user through learning materials.

Regarding claims 9 and 15, the combination of Mann and Massachusetts Department of Education discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of storing user input. However, Cook teaches a tutorial system wherein user interactions are stored (Col. 48, lines 20-32). Hence, in view of Cook, it would have been obvious to one of ordinary skill in the art to modify the tutorial system described in Mann, by storing user inputs, in order to collect and provide indication of a user's current and past performance data.

Regarding claim 14, Mann discloses a method of providing an integrated technology learning system, comprising the steps of: establishing technology objectives for an instructional unit; identifying core curriculum subject matter components related to the technology objectives of graphical design *See Figure 3, ref. 53 lesson contents: discovering Paintbrush's menus, drawing, changing colors, Adding*

typed-in text; determining a framework for problem solving; determining common elements of a user

interface for at least one particular type of software application (Col. 4, lines 48-51); wherein the user

interface for one type of software application is different from a user interface for a different type of

application; and adding simulation functionality for that particular type (Col. 3, line 57 – Col. 4, line 10).

Mann discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of

providing educational content tied to *state educational standards* and using *educational technology*

standards to evaluate performance. However, Massachusetts Department of Education teaches an

educational system having curriculum that is tied to instructional technology standards having

predetermined performance requirements for various grade levels. Thus, in view of Massachusetts

Department of Education, it would have been obvious to one of ordinary skill in the art to modify the

educational system described in Mann, by providing educational content tied to state educational

standards and using educational technology standards to evaluate performance, in order to provide

guidelines that ensure a student's ability to apply a wide range of technology tools to his/her learning of

curriculum concepts. *See Massachusetts Department of Education, P1*. The combination of Mann and

Massachusetts Department of Education discloses all of the claimed subject matter with the exception of

explicitly disclosing the feature of providing a theme and characters. However, Cook teaches a tutorial

system comprising various themes and characters (Col. 14, lines 30-54). Hence, in view of Cook, it

would have been obvious to one of ordinary skill in the art to modify the tutorial system described in

Mann, by providing various themes and characters in order to provide a virtual coach that engages a

user's interest based on his or her preferences.

Regarding claim 16, Mann discloses all of the claimed subject matter with the exception of

explicitly disclosing the feature of providing educational content tied to *state educational standards* and

using *educational technology standards* to evaluate performance. However, Massachusetts Department

of Education teaches an educational system having curriculum that is tied to instructional technology

standards having predetermined performance requirements for various grade levels. Thus, in view of

Massachusetts Department of Education, it would have been obvious to one of ordinary skill in the art to

modify the educational system described in Mann, by providing educational content tied to state

educational standards and using educational technology standards to evaluate performance, in order to

provide guidelines that ensure a student's ability to apply a wide range of technology tools to his/her

learning of curriculum concepts. *See Massachusetts Department of Education, P1*. The combination of

Mann and Massachusetts Department of Education discloses all of the claimed subject matter with the

exception of explicitly disclosing the feature of storing user input. However, Cook teaches a tutorial

system wherein user interactions are stored (Col. 48, lines 20-32). Hence, in view of Cook, it would have

been obvious to one of ordinary skill in the art to modify the tutorial system described in Mann, by

storing user inputs, in order to collect and provide indication of a user's current and past performance

data.

Response to Arguments

Applicant's arguments filed 12/21/2006 have been fully considered but they are not persuasive.

Applicant emphasizes that Mann does not disclose the claimed feature "wherein the user interface for one

type of software application is different from a user interface for a different type of software application".

The examiner disagrees. Mann discloses, "...because the program provides the same user interface,

independent of the computer application software it is teaching, it provides the user with a familiar point

of reference". Although Mann discusses the use of a common user interface, the interface is utilized with

several computer applications and therefore inherently becomes a different user interface since the

computer applications are part of the user interface. See col. 4, lines 54-60.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set

forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cameron Saadat
May 14, 2007

Robert E Pezzuto
Supervisory Patent Examiner
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